IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

CLOVIA BROOKS AUSBIE,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:19-CV-2019-L-BH
	§	
WELLS FARGO BANK;	§	
DALLAS HOUSING AUTHORITY;	§	
JJW PROPERTY; CITY OF DALLAS;	§	
CHASE BANK; BANK OF AMERICA;	§	
IRS; and SSI,	§	
	§	
Defendants.	§	

On May 31, 2022, the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") (Doc. 15) was entered, recommending that the court dismiss with prejudice this action pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief can be granted. The Report further recommends that Plaintiff, who is proceeding *pro se*, not be given an opportunity to amend her pleadings because, despite filing two responses to questionnaires and two supplements to her filings, she has still not stated any plausible claim for relief against any Defendant, and most of her claims appear to be time-barred because they are based on events in 2005 and 2013. No objections to the Report were filed, and deadline for doing so has expired.

ORDER

Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** this action pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief can be granted. Further, for the reasons

stated in the Report, the court agrees that Plaintiff has pleaded her best case. The court, therefore, will not allow her to amend her pleadings, as doing so would likely be futile and unnecessarily delay the resolution of this litigation that has been pending since August 23, 2019.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Plaintiff, however, may challenge this finding pursuant to *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, United States Court of Appeals for the Fifth Circuit, within 30 days of this order.

It is so ordered this 22nd day of June, 2022.

Sam O. Sindsay

United States District Judge